

EMANCIPATION IN JAMAICA.

A simple argument of the chivalric upholders of negro slavery, is, to point to the condition of the slaves there. We are told that the liberation of the slaves there has proved a total failure, that they are worse off than ever, that their condition is pitiable, and that the interests of the island are ruined. After all, if it could be fairly proved that in their present state of transition, owing to emancipation, there was a clear declension in their morals and happiness, such as is asserted to exist, it would prove nothing in favor of human bondage. We have yet to learn that because a man's labor produces more under the lash than without it, he should be lashed, or that his morals would be improved by buying and selling him. We are far from believing that any idle Southern gentleman among us, who luxuriates in fashionable life either at home or abroad, should be put into the factory or the field, and made to work under the whip of the overseer's whip, although their annual wages would amount to millions. We believe in the higher law. We believe that no man has a right to profit by the weakness, ignorance or poverty of his neighbor, and enslave him therefor. We scout and condemn, accordingly, the logic which tells us that the negroes of Jamaica produced so many hogheads of sugar under the lash, and that now they produce so many less. If we cannot have sugar without slavery, let us do without sugar. Sugar is sweet, but freedom is sweeter. But it is a falsehood to assert that we cannot have sugar without slavery. France now produces annually seventy millions pounds weight of beet sugar, the result of free labor, and a quantity is steadily increasing every day coming down. If the panderism of sugar plantations were abolished, our Northern ingenuity would rush to fill up the vacuum with sugar made from beets, or some other substance, and the ingenuities and economies produced by free labor would soon compensate for the superior saccharine expression of cane. So, too, if cotton were annihilated, Northern experiments on flax would give us a substitute. The idea that man must be held in bondage on account of considerations of commerce, is worthy of Judas Iscariot—worse, in fact, for he had the good taste to hang himself after the commission of his crime.

We are led to these remarks from an examination of the actual workings of emancipation in Jamaica. The slaves there are subject simply to the laws of the realm. They are amenable to punishment just as are the whites, and no more. Of course, whatever crimes they commit are not punished by thirty-nine lashes privately, on the plantation, but they are brought to trial publicly and legally. It is not that the laws are now, as formerly, because, under the slave system, these were private matters, for the most part, and expiated by the whip; now they are all patent. The same thing obtains under all despoticisms. In Russia and Turkey, we do not hear of crimes to any extent, because there are no public newspapers worth speaking of, but as we travel from the East to the West, and finally arrive in America, we find some two thousand newspapers, vilified by the magical telegraph, illuminating every dark hole where wrong is committed—even on our slave plantations, to some degree. It is fully, therefore, for the defenders of the huge evil of slavery to hold up Jamaica as an evidence of the induction of striking effects from our measures. In 1833, we increased crime which has ensued upon such emancipation. When we can tell exactly what was the crime before emancipation took place, we shall be enabled to know really the declension of morals assumed to have taken place. What we do know of slavery is, that it is common to those in bondage, as the whites are now, in 1853, and, from the example of the Americans, need not be alarmed at freeing their negroes, lest such a step should be followed by a revolt of the liberated. No mighty change, says the Kingston Journal, was ever known to have taken place so peaceably as the emancipation in that island; and, it adds, a very large number of those who were themselves owners of slaves in 1833, and who have for some time been, the owners of landed property, some of them to comparative, a considerable extent.

According to the same excellent and conclusive authority on this subject, degraded negroes exist in Jamaica in abundance; for blacks form the greater portion of the population, but in the districts where whites predominate, white criminals abound. But it asserts roundly, and challenges contradiction, that in the short period of fifteen years, the race has improved—not only improved, but progressed beyond what might have been readily anticipated. "On the whole," continues our authority, "if Americans need not the experiment, as it is called, in Jamaica, is to be invoked, the Americans have not the shadow of an excuse for continuing slavery in their Southern States for twelve months longer."

What say our Southern prelates to this? What says the cotton press? Will they favor us with an answer? We seek the truth in this weighty question, and not the mere triumph of argument.

From the Philadelphia Daily Register.

THE WILKESBAIRE SLAVE CASE.

Yesterday morning, in the U. S. Circuit Court, before Judge Grier, the case of the Deputy Marshals Jenkins and Crossen, charged with an assault and battery, &c., upon the alleged fugitive, Wm. Thomas, was called up.

Mr. Ashmead introduced the matter by saying that he was here representing the defendants by authority from the Secretary of the Interior, and that he would object to the interposition of any persons who are outside the case, who do not appear by authority from the Governor of the State or the Attorney General. He therefore asked the gentlemen upon the other side to state whom they represented or by what authority.

Mr. Brown replied that he would answer that at the proper time, stating that the case had already been commenced, and the time for objections of this kind had passed.

Mr. Ashmead insisted upon a statement before the case proceeded.

Judge Grier said that it was a perfectly legitimate question, and should be answered. "No private prosecutor can be heard in this cause, but any representative must be here by authority from the Governor or Attorney General."

Mr. Brown said that the respondent and himself were here representing the Marshal, and that the writ of habeas corpus, and said, do I understand your Honor to say that unless we have authority from the Governor or the Attorney General, we have no standing in this matter?

Judge Grier replied in the affirmative.

Mr. Jackson said that he, in conjunction with Mr. Brown, had been retained by Mr. Chafflot, the constable from Wilkesbair, to answer to the writ.

Judge Grier said—And so far you have done your duty; after the return to the writ, the constable is no more than a private citizen, and consequently cannot employ counsel to represent the State.

Mr. Brown—Will your Honor then hear us as to your right to issue the habeas corpus?

Judge Grier—We have heard you already upon that question, and I will not now be questioned.

Mr. Ashmead then produced the warrant issued by Mr. Ingraham, by which Wm. Thomas was arrested.

Judge Grier said that he also recognized his own name endorsed upon it.

Mr. Ashmead—Now I ask for the discharge of the defendants.

Judge Grier—But I do not know whether they acted by authority from the Marshal.

The Marshal was then sworn and testified that he had received the writ, and had placed it in the hands of the deputies, Jno. Jenkins, James Crossen and George Wynkoop, with instructions to go to Wilkesbair, where he was informed the alleged fugitive was, and make the arrest as therein required.

Mr. Brown wished to discuss the question, whether, under the state of facts exhibited, they are entitled to their discharge.

Mr. Ashmead said that it appeared to him that

it was not necessary to go beyond this point: that he had abundant testimony, but to use it would be a work of supererogation. The presumption of law is, that a party executing a warrant does it properly, and if there was any excess of authority, it must be proven by the other side. Therefore, I move for the discharge of the defendants.

George Wynkoop sworn—He was one of the defendants named in the warrant, but not arrested. Previously to swearing him, Mr. Ashmead offered that the counsel on the other side should embrace him in the petition and consider him under arrest. This they refused to do.

Mr. Brown objected to Mr. Wynkoop being a witness, inasmuch as he was a defendant named in the warrant.

The objection was overruled, and Mr. W. testified that he, in company with James Crossen and John Jenkins, took the warrant to Wilkesbair, as directed by the Marshal. The negro was pointed out to them by the agent of the claimant, and they proceeded to make the arrest, with Thomas made violent resistance. He successively drew a fork and two knives, and wounded Mr. Jenkins upon the head. He then made his escape to the river; and we came to the conclusion that we could not take him alive, and not wishing to kill him, we came away.

Mr. Jackson asked that the affidavit taken before the Marshal at Wilkesbair, on which the warrant was founded, might be filed in court, so that it might appear on record in case proceedings on certiorari should be desired.

This was objected to, that it was not the practice of the United States nor of the State of Pennsylvania.

Mr. Ashmead again asked that the defendants be discharged.

Judge Grier said that he would write up his opinion and deliver it on Saturday morning next.

[The decision has been published; of course, concluding with the discharge of the miscreants at whose outrageous brutality every decent man's heart thrills with righteous indignation. We shall print the decision next week.]

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THE LIBERATOR.

No Union with Slaveholders.

BOSTON, OCTOBER 21, 1853.

JUDGE GRIER'S DECISION.

There is no truer test of the nature of the institutions of a country than the character of its Judges. The point at which the laws touch the citizen or the subject is precisely the one which reveals their real complexion. The man who connects the two together, who directs the machinery and teaches it to perform its appropriate work, is not an unmet expression of the spirit which informs the laws, and stands behind the institutions from which they spring.

Peabody at the trial of Lord Russell, Jeffries at that of Algeron Sydney and the Bloody Assizes, the Committee of Public Safety in the days of Robespierre, the Military Commissions sitting at this day in France and Italy, all exemplify and incarnate the spirit of the Government which employ them.

A corrupt Government is very sure of a base and servile Judiciary. When wickedness has been organized into law, or has exalted itself above law, there are never wanting men enough to expound and apply it, and to exhibit in their own persons the quality of the legislation and the spirit of the lawgiver.

We have had proofs enough of the truth of these political truisms in the history of this country for the last three years. When the Fugitive Slave Law was passed, the whole National Judiciary, at the North, made haste to accept and enforce it. The dirty part of the work was at first left to scrappy Commissioners, such as Ingraham and Curtis; but the higher authorities stood ready to back them up and confirm their doings. The dominant power had commanded that this thing should be done, and the tools were all ready to its hand.

Judge Grier of the Supreme Court of the United States, has eminently distinguished himself among this tribe of subservient magistrates. The Evening Post not inaptly compares his tone to that of Jeffries. Insolent, overbearing, tyrannical, determined to make everything bend to the Sovereign's Will, he certainly reminds one of those former days when the plainest language was employed on the Bench or at the Bar towards State criminals, or of yet earlier times, when Sir Edward Coke called Lord Bacon 'a Spider of Hell'!

His determination to proceed criminally against all persons who shall be guilty of attempting to bring slave-hunters, who violate the laws of the several States, in the course of their laudable pursuits, to justice in the jurisdiction where the offence was committed, is characterized by the spirit and the manners of the Lord Chancellor of James II. He has proceeded to judgment on the matter of the slave-catchers brought before him on Habeas Corpus, and discharged them, of course. So the Union is safe for the present.

This decision and disposition on the part of this Judge should bring to the serious reflection of the country the strides which the General Government is making towards Centralization. The processes of the State Courts are to be quashed when they issue against criminals who wear the cockade of the U. S. Marshal. The citizen of Pennsylvania or Massachusetts may be assaulted, wounded, chained, shot at, with impunity, if the assassins will but swear that it was a slave that they took him for.

The whole country is made into one Great Slave State, and any outrage becomes legalized when exerted in furtherance of Slavery. Or, rather, the fact that the whole nation is, in fact, one Great Slave State for this purpose, is thus authentically stated. And, after all, it is perhaps well that such cases as the Wilkesbair one should occur, to bring it home to the minds of the lieges that what the Abolitionists say is true, that there is no such thing as a Free State in the Union; but that the condition of a slave is not altered by his escape into any Free State, (so called,) but he remains a slave, liable to recapture, as much as when he was in Georgia or Carolina. This being the case, whatever is necessary to vindicate the conceded rights of the master, must be allowed and defended.

The price of Liberty is perpetual vigilance, is none the less a true saying for being an old one. And no small part of this necessary vigilance has in all times been directed against the usurpations of the Courts, especially when acting in union with a tyrannical and encroaching Government. It is very well to keep a sharp look-out on these tools of tyranny, and to try and thwart their operation, when it can be done. But it is better yet to consider curiously and wisely the reason why such venal infest the land as the Griers and Kanes and Judsons, and the rest of them. They do not make themselves. They are bred from the corruption in which politicians and priests of almost every shade profess to think it life to live, and separation from which would be worse than death. If the Nation had not agreed that Slaves might be caught within its borders, these creatures of slavery would not exist to do its filthy work. There is a fault behind the crimes of the slave-catching Judges and Commissioners and Marshals, and underlying them all; and that is, the original guilt of the parties to the Original Compact, and the derived guilt of their successors who agree to stand by it. The mock-worms should not monopolize our disgust and contempt. A portion of these feelings should redound to those of us who are acting the part of the Old Man in Pilgrim's Progress, who is so busy in stirring the heap which gives them being, with his muck-rake, that he cannot see the golden crown that is held by the Shining One over his head.

All these excesses and outrages on the part of those that make and administer the laws, are not to be looked upon as misfortunes. The misfortune is that a state of things exists in this country which makes them necessary. We need yet more active treatment. We have not yet had the full benefit of the yoke of the Slaveholders to which we have voluntarily stooped our necks. We have scarcely yet been chastised with whips, while we need to be chastised with scorpions, to bring us to a sense of our condition. The more the United States Government centralizes power, the more contemptuous it tramples on the rights of the citizen and the sovereignty of the State, the more insolently and indecently these usurpations are enforced and justified by its judicial minions, the greater is the likelihood of some faint sensibility being aroused in the minds of the people to the degradation to which they have been reduced by their own consent. Things must be worse, we

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